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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,409	09/04/2003	Timothy M. Keiser	10269/20	6575

7590 02/15/2006

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EXAMINER	
GRAHAM, CLEMENT B	
ART UNIT	**PAPER NUMBER**
3628	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/655,409	KEISER ET AL.	
	Examiner	Art Unit	
	Clement B. Graham	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-96* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-96* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 20-96 remained pending in this application.

2 Final rejection dated 8/11/05 has been withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 20-96, are rejected under 35 U.S.C. 102(e) as being anticipated by Hereinafter Lupien et al (Hereinafter Lupien U.S Patent 6,012, 046).

As per claimed 20, Lupien discloses a method for trading a derivative financial instrument, the instrument being based on a product, the method comprising: receiving buy orders and sell orders for the instrument(see column 6 lines 1-20) calculating a price for the instrument based on the buy and sell orders; and executing a trade on the instrument, the instrument having an expiration date that is not determined at the time of the execution of the trade. (Note abstract and see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 21, Lupien discloses wherein the instrument reflects box office revenues of a movie for a particular period, the period having an undetermined starting point.(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 22, Lupien discloses further comprising fixing a release date for the product after the execution of the trade. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 23, Lupien discloses further comprising determining the expiration date based on the release date. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 24, Lupien discloses wherein the product has a plurality of development stages, the method further comprising identifying a development stage of the product and adjusting the price based on the development stage of the product. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 25, Lupien discloses further comprising calculating a development factor for the development stage and wherein the adjusting the price based on the development stage comprises multiplying the price by the development factor. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 26, Lupien discloses further comprising receiving a first value representing an initial number of shares issued in an initial offering for the instrument.

As per claimed 27, Lupien discloses wherein the calculating the price comprises calculating the price for the initial offering based at least in part on the first value. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 28, Lupien discloses further comprising receiving a second value representing an estimated financial performance of the product, and wherein the calculating the price further comprises calculating the price as the second value divided by the first value. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 29, Lupien discloses further comprising periodically triggering an automatic trade for the instrument. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 30, Lupien discloses wherein the triggering the automatic trade comprises:

detecting a call from a timing mechanism, retrieving a buy probability constant;
generating a random trade constant;
if the buy probability constant exceeds the random trade constant, generating a buy order; and if the buy probability constant does not exceed the random trade constant, generating a sell order. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 31, Lupien discloses wherein the calculating the price for the instrument comprises:
measuring a buy-sell imbalance between the buy orders and the sell orders for the instrument;
computing a projected price movement comprising:
retrieving an instrument price threshold from a database see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8) comparing the instrument price threshold to the buy-sell imbalance see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8) retrieving an instrument price increment from the database representing a quantity for price movement for the instrument; and
if the buy-sell imbalance exceeds the instrument price threshold, setting the projected price movement to the instrument price increment; and
setting a market price for the instrument by incrementing the market price by the projected price movement. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 32, Lupien discloses further comprising storing a quantity representing price movement for the instrument over time. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 33, Lupien discloses further comprising retrieving a stock break increment from the database. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 34, Lupien discloses further comprising:
controlling the rate for price movement by periodically comparing the stock break threshold to the stored quantity representing price movement for the instrument; and
if the stored quantity price movement exceeds the stock break threshold, adjusting the stock price threshold. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 35, Lupien discloses wherein the adjusting the stock price threshold comprises retrieving a stock break increment from the database and incrementing the

stock price threshold by the stock break increment. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 36, Lupien discloses wherein the incrementing the stock price threshold by the stock break increment comprises:
if the stored quantity representing price movement is a positive number greater than SBT, then SPT=SPT+SBI; and
if the stored quantity representing price movement is a negative number less than -SBT, then SPT=SPT-SBI, wherein SBT is the stock break threshold, SPT is the stock price threshold, and SBI is the stock break increment. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 37, Lupien discloses further comprising retrieving a stock halt threshold from the database. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 38, Lupien discloses further comprising:
containing price movement by periodically comparing the stock halt threshold to the stored quantity of price movement for the instrument; and
if the stored quantity of price movement exceeds the stock halt threshold, preempting trading for the instrument. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 39, Lupien discloses further comprising setting the market price for a plurality of instruments after each of a plurality of trade orders are fulfilled.

As per claimed 40, Lupien discloses further comprising storing trade volume information and trade price information for each trade order for the plurality of instruments. see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 41, Lupien discloses further comprising:
receiving a query for requesting trade volume statistics for a selected instrument;
analyzing the stored trade volume information in response to the received query;
and generating and displaying the trade volume statistics for the selected instrument in response to analyzing the stored trade volume information. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 42, Lupien discloses further comprising:
receiving a query for requesting buy versus sell volume statistics for a selected instrument;
analyzing the stored trade volume information and the stored trade price information in response to the received query(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8) and generating and displaying the buy versus sell statistics for the selected instrument in response to the analyzing the stored trade volume information and the stored trade price information. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 43, Lupien discloses further comprising:
storing a plurality of categories of trade information relating to the plurality of trade orders;
receiving a query for requesting statistics for a selected category in a selected instrument(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).
analyzing stored categories of trade information in response to the received query;
and generating and displaying statistical information for the selected category in the selected instrument in response to the analyzing the stored categories of trade information. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 44, Lupien discloses a method for trading a derivative financial instrument, the instrument being
based on a product, the method comprising:
receiving buy orders and sell orders for the instrument;
calculating a price for the instrument based on the buy and sell orders; and
executing a trade on the instrument, the instrument having an expiration date that is based on future development of the product. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 45, Lupien discloses wherein the instrument reflects box office revenues of a movie for a particular period, the period having an undetermined starting point. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 46, Lupien discloses further comprising fixing a release date for the product after the execution of the trade. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 47, Lupien discloses further comprising determining the expiration date based on the release date. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 48, Lupien discloses wherein the product has a plurality of development stages, the method further comprising identifying a development stage of the product and adjusting the price based on the development stage of the product. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 49, Lupien discloses further comprising calculating a development factor for the development stage and wherein the adjusting the price based on the development stage comprises multiplying the price by the development factor. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 50, Lupien discloses further comprising receiving a first value representing an initial number of shares issued in an initial offering for the instrument.

As per claimed 51, Lupien discloses wherein the calculating the price comprises calculating the price for the initial offering based at least in part on the first value. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 52, Lupien discloses further comprising receiving a second value representing an estimated financial performance of the product, and wherein the calculating the price further comprises calculating the price as the second value divided by the first value. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 53, Lupien discloses further comprising periodically triggering an automatic trade for the instrument. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 54, Lupien discloses wherein the triggering the automatic trade comprises: detecting a call from a timing mechanism, retrieving a buy probability constant; generating a random trade constant(see column 5 lines 6-67 and column 7

lines 15-53 and column 6 lines 1-8) if the buy probability constant exceeds the random trade constant, generating a buy order(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8) and if the buy probability constant does not exceed the random trade constant, generating a sell order. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 55, Lupien discloses wherein the calculating the price for the instrument comprises:
measuring a buy-sell imbalance between the buy orders and the sell orders for the instrument;
computing a projected price movement comprising:
retrieving an instrument price threshold from a database(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8) comparing the instrument price threshold to the buy-sell imbalance(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8) retrieving an instrument price increment from the database representing a quantity for price movement for the instrument(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8) and if the buy-sell imbalance exceeds the instrument price threshold, setting the projected price movement to the instrument price increment; and setting a market price for the instrument by incrementing the market price by the projected price movement. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 56, Lupien discloses further comprising storing a quantity representing price movement for the instrument over time. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 57, Lupien discloses further comprising retrieving a stock break increment from the database. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 58, Lupien discloses further comprising:
controlling the rate for price movement by periodically comparing the stock break threshold to the stored quantity representing price movement for the instrument; and

if the stored quantity price movement exceeds the stock break threshold, adjusting the stock price threshold. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 59, Lupien discloses wherein the adjusting the stock price threshold comprises retrieving a stock break increment from the database and incrementing the stock price threshold by the stock break increment. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 60, Lupien discloses wherein the incrementing the stock price threshold by the stock break increment comprises:
if the stored quantity representing price movement is a positive number greater than SBT, then SPT=SPT+SBI; and
if the stored quantity representing price movement is a negative number less than - SBT, then SPT=SPT-SBI, wherein SBT is the stock break threshold, SPT is the stock price threshold, and SBI is the stock break increment. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 61, Lupien discloses further comprising retrieving a stock halt threshold from the database. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 62, Lupien discloses further comprising:
containing price movement by periodically comparing the stock halt threshold to the stored quantity of price movement for the instrument; and
if the stored quantity of price movement exceeds the stock halt threshold, preempting trading for the instrument. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 63, Lupien discloses further comprising setting the market price for a plurality of instruments after each of a plurality of trade orders are fulfilled. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 64, Lupien discloses further comprising storing trade volume information and trade price information for each trade order for the plurality of instruments. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 65, Lupien discloses further comprising:
receiving a query for requesting trade volume statistics for a selected instrument;
analyzing the stored trade volume information in response to the received query;
and generating and displaying the trade volume statistics for the selected instrument in response to analyzing the stored trade volume information. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 66, Lupien discloses further comprising:
receiving a query for requesting buy versus sell volume statistics for a selected instrument(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).
analyzing the stored trade volume information and the stored trade price information in response to the received query, and
generating and displaying the buy versus sell statistics for the selected instrument in response to the analyzing the stored trade volume information and the stored trade price information. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 67, Lupien discloses further comprising:
storing a plurality of categories of trade information relating to the plurality of trade orders;
receiving a query for requesting statistics for a selected category in a selected instrument(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).
analyzing stored categories of trade information in response to the received query;
and generating and displaying statistical information for the selected category in the selected instrument in response to the analyzing the stored categories of trade information. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 68, Lupien discloses a method for trading a derivative financial instrument, the instrument being
based on revenues of a service company, the method comprising:
receiving buy orders and sell orders for the instrument(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8) calculating a price for the instrument based on the buy and sell orders; and executing a trade on the instrument, the instrument

having an expiration date that is not determined at the time of the execution of the trade. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 69, Lupien discloses further comprising determining the expiration date based on a future date after the execution of the trade. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 70, Lupien discloses further comprising receiving a first value representing an initial number of securities issued in an initial offering for the instrument.

As per claimed 71, Lupien discloses wherein the calculating the price comprises calculating the price for the initial offering based at least in part on the first value. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 72, Lupien discloses further comprising receiving a second value representing an estimated financial performance of the service company, and wherein the calculating the price further comprises calculating the price as the second value divided by the first value. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 73, Lupien discloses further comprising periodically triggering an automatic trade for the instrument. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claim 74, Lupien discloses wherein the triggering the automatic trade comprises:

detecting a call from a timing mechanism, retrieving a buy probability constant;

generating a random trade constant(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8) if the buy probability constant exceeds the random trade constant, generating a buy order; and

if the buy probability constant does not exceed the random trade constant, generating a sell order. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 75, Lupien discloses wherein the calculating the price for the instrument comprises:

measuring a buy-sell imbalance between the buy orders and the sell orders for the instrument;

computing a projected price movement comprising:
retrieving an instrument price threshold from a database; comparing the instrument price threshold to the buy-sell imbalance(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8) retrieving an instrument price increment from the database representing a quantity for price movement for the instrument; and
if the buy-sell imbalance exceeds the instrument price threshold, setting the projected price movement to the instrument price increment(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8) and setting a market price for the instrument by incrementing the market price by the projected price movement. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 76, Lupien discloses further comprising storing a quantity representing price movement for the instrument over time. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 77, Lupien discloses further comprising retrieving a stock break increment from the database. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 78, Lupien discloses further comprising:
controlling the rate for price movement by periodically comparing the stock break threshold to the stored quantity representing price movement for the instrument; and
if the stored quantity price movement exceeds the stock break threshold, adjusting the stock price threshold. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 79, Lupien discloses wherein the adjusting the stock price threshold comprises retrieving a stock break increment from the database and incrementing the stock price threshold by the stock break increment. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 80, Lupien discloses wherein the incrementing the stock price threshold by the stock break increment comprises:
if the stored quantity representing price movement is a positive number greater than SBT, then SPT=SPT+SBI; and if the stored quantity representing price movement is a negative

number less than - SBT, then SPT=SPT-SBI, wherein SBT is the stock break threshold, SPT is the stock price threshold, and SBI is the stock break increment. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 81, Lupien discloses further comprising retrieving a stock halt threshold from the database. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 82, Lupien discloses further comprising:
containing price movement by periodically comparing the stock halt threshold to the stored quantity of price movement for the instrument; and
if the stored quantity of price movement exceeds the stock halt threshold, preempting trading for the instrument. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 83, Lupien discloses further comprising setting the market price for a plurality of instruments after each of a plurality of trade orders are fulfilled. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 84, Lupien discloses further comprising storing trade volume information and trade price information for each trade order for the plurality of instruments. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 85, Lupien discloses further comprising:
receiving a query for requesting trade volume statistics for a selected instrument;
analyzing the stored trade volume information in response to the received query;
and generating and displaying the trade volume statistics for the selected instrument in response to analyzing the stored trade volume information. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 86, Lupien discloses further comprising:
receiving a query for requesting buy versus sell volume statistics for a selected instrument;
analyzing the stored trade volume information and the stored trade price information in response to the received query(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

and generating and displaying the buy versus sell statistics for the selected instrument in response to the analyzing the stored trade volume information and the stored trade price information. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 87, Lupien discloses further comprising:
storing a plurality of categories of trade information relating to the plurality of trade orders(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).
receiving a query for requesting statistics for a selected category in a selected instrument(see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).
analyzing stored categories of trade information in response to the received query;
and generating and displaying statistical information for the selected category in the selected instrument in response to the analyzing the stored categories of trade information. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 88, Lupien discloses a system for trading a derivative financial instrument, the instrument being
based on a product, the system configured to receive buy orders and sell orders for the instrument, to calculate a price for the instrument based on the buy and sell orders, and to execute a trade on the instrument, the instrument having an expiration date that is not determined at the time of the execution of the trade. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 89, Lupien discloses wherein the instrument reflects box office revenues of a movie for a particular period, the period having an undetermined starting point. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 90, Lupien discloses wherein the movie has a plurality of development stages comprising a concept stage, a development stage, a production stage, a wrap stage, and a release stage. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 91, Lupien discloses wherein the system is configured to determine the expiration date based on a release date for the product. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 92, Lupien discloses a system for trading a derivative financial instrument, the instrument being based on a product, the system configured to receive buy orders and sell orders for the instrument, to calculate a price for the instrument based on the buy and sell orders, and to execute a trade on the instrument, the instrument having an expiration date that is based on future development of the product. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 93, Lupien discloses wherein the instrument reflects box office revenues of a movie for a particular period, the period having an undetermined starting point. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 94, Lupien discloses wherein the movie has a plurality of development stages comprising a concept stage, a development stage, a production stage, a wrap stage, and a release stage. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 95, Lupien discloses wherein the system is configured to determine the expiration date based on a release date for the product. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

As per claimed 96, Lupien discloses a system for trading a derivative financial instrument, the instrument being based on revenues of a service company, the system configured to receive buy orders and sell orders for the instrument, to calculate a price for the instrument based on the buy and sell orders, and to execute a trade on the instrument, the instrument having an expiration date that is not determined at the time of the execution of the trade. (see column 5 lines 6-67 and column 7 lines 15-53 and column 6 lines 1-8).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG
February 9, 2006

FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628